Siddhartha Harsh Wardhan
The Independent Observer Vol II
September 10, 2025

Bipartisan Betrayal: Human Rights, Policing Doctrine, and Hidden Taxation in Modern U.S. Governance

Abstract

This working paper argues that continuity in U.S. administrative and fiscal mechanisms—rather than partisan alternation—best explains observed burdens on civil liberties and labor. Using **Terry v. Ohio** and its successor cases as a doctrinal baseline, the paper traces how stop–question–frisk–style discretion scaled nationally. It then examines post-**Shelby County** changes in election administration that raised participation costs for specific populations and analyzes tariffs as **indirect taxes** with regressive incidence, drawing on recent pass-through evidence. Case studies from the 1990s to the present illustrate a recurring toolkit—policing discretion, administrative levers over voting, and indirect fiscal instruments—that consistently imposes costs on working households while remaining formally neutral. Policy remedies include constrained and reviewable stop standards, auditable preclearance-style oversight for election changes, and ex ante distributional scoring with automatic review for indirect taxes. The contribution is integrative: a doctrinal, administrative, and fiscal account of policy continuity that reframes partisan narratives.

Keywords: human rights; criminal procedure; voter administration; tariffs; surveillance; political economy; mass incarceration; civil liberties
JEL Classification: D72; H11; H23; K14; K38; N41; N42

Disclosure: None. Rights: © 2025 The author. Working paper for scholarly/educational use.

1. Introduction

This paper examines how policies evolve across different parties in three key areas: criminal procedure, election administration, and fiscal and trade policies. It argues that policy continuity—rather than partisan shifts—is a more significant factor in the observed impacts on civil liberties and labor. Using the Terry v. Ohio decision as a starting point, post-Shelby voting rules as indicators of administrative changes, and tariff pass-through as a financial mechanism, the paper places episodic "party switching" stories within the larger context of rights erosion and the burden on low-income groups. We've been told that Democrats turned into Republicans, that racists changed sides, and that bigots left one party to join another. However, the truth is more nuanced. While there was some label-switching, the system remained essentially unchanged, and the American people—especially working-class Americans—were exploited once again. We've been led to believe that Democrats became champions of civil rights, while Republicans became the face of racism. Yet, this narrative hides the real betrayal: both parties sold out the working class—regardless of race or ethnicity—while blaming each other for the downfall. Let's be clear: Abraham Lincoln, Frederick Douglass, and early Black politicians were Republicans, not because Republicans were inherently better, but because Democrats were openly racist. After the Civil War, very few African Americans could vote, and those who did were often landowners, educators, or preachers who met extremely high standards imposed by the same system that claimed to protect their freedom.

2. Doctrinal Spine: Terry and Successor Cases

Terry v. Ohio (1968) established the "reasonable suspicion" standard for brief investigative stops and limited pat-downs, marking a doctrinal shift that expanded police discretion compared to the traditional standard of probable cause. Subsequent decisions such as **Pennsylvania v. Mimms (1977**) and **Illinois v. Wardlow (2000)** further normalized officer safety rationales and inferences from "unprovoked flight" in high-crime areas. Together, these cases expanded discretionary encounters that disproportionately affect marginalized communities, while appearing neutral on the surface. This analysis focuses on how these rules function at scale rather than on partisan authorship. Booker T. Washington gained prominence not because America was free, but because he conformed to what white power structures wanted: a calm, conservative, and focused individual, emphasizing vocational labor. Most African Americans did not have that opportunity. They were blocked from housing, factories, and education—especially in the North, where sundown towns thrived (Loewen, 2005; Rothstein, 2017).

3. Irony of the Civil War: The 13th Amendment did not end slavery; it evolved into mass incarceration.

Ironically, more Black men served in support roles for the Confederacy than for the Union early in the war because the Union Army enforced standards and restrictions that effectively excluded them (Berlin et al., 1998). And what about the Civil Rights Act and the Voting Rights Act? Sure, Lyndon B. Johnson signed them, but he also appointed Supreme Court justices who handed down Terry v. Ohio, which legalized stop-and-frisk and mass racial profiling (Alexander, 2010). Then came Bill Clinton—the so-called 'first

Disclosure: None. Rights: © 2025 The author. Working paper for scholarly/educational use.

Black president.' He gave us the **1994 Crime Bill, Welfare Reform, and the 1993 NVRA** standardized federal registration with an attestation of citizenship under penalty of perjury (not documentary proof); subsequent state-level proof-of-citizenship measures have been litigated and partially constrained at the federal-form level.". That law was later used to purge thousands of African American voters in the 2000 election (Piven et al., 2009). Clinton also helped expand private prisons and criminalize poverty. And what about Al Gore? He stayed silent while Black votes were thrown out in Florida. Not a single Democrat in Congress objected to the disenfranchisement of their own voter base (Congressional Record, 2001). Obama? He delivered speeches like MLK's and governed like Dick Cheney—bailing out banks, expanding drone warfare, and increasing surveillance.

Meanwhile, working-class communities—especially minorities—were told to wait for hope and change (Greenwald, 2014). At the same time, Republicans used the truth to fuel racism. They claimed Democrats made Black Americans 'lazy' or 'ghetto,' ignoring that both parties contributed to systemic sabotage. Meanwhile, they mocked Democrats for 'selling hot sauce' while quietly expanding policing, tariffs, and border militarization.

4. Election Administration and Voter Access.

Following Shelby County v. Holder (2013), several jurisdictions adjusted voting-related rules—such as ID requirements, list maintenance (purges), and precinct closures—in ways that could raise the administrative cost of voting for specific populations. While motives and impacts vary by state and year, the cross-administration pattern is that election administration becomes a policy lever whose distributional effects are often more apparent than its stated objectives. The paper frames this as continuity in administrative techniques rather than a unique attribute of any single party. Note: The National Voter Registration Act (1993) created a federal registration form requiring attestation under penalty of perjury; later attempts in some states to require documentary proof for federal elections were limited by the Supreme Court in 2013.

5. Fiscal and Trade Instruments as Indirect Taxation

Tariffs function as taxes on imports that are commonly passed through to domestic prices. Empirical studies on the 2018–2019 measures find high pass-through to U.S. importers and consumers, with limited evidence of foreign exporters absorbing the tax burden. Because consumption shares are higher among lower- and middle-income households, this mechanism can act as a regressive burden, even when framed as a strategic trade tool.

6. Case Studies Across Decades

Case sketches illustrate the continuity thesis across decades: (i) 1990s criminal-justice and welfare reforms embedded administrative and carceral logics that persisted; (ii) post-2001 surveillance architecture expanded and diffused across agencies; (iii) the 2008–2010 crisis response and oversight regimes prioritized systemic stability with uneven household relief; (iv) the 2018–2019 tariff cycle showed how trade

Disclosure: None. Rights: © 2025 The author. Working paper for scholarly/educational use.

instruments translate into indirect taxation. The through-line is not an identical policy, but rather the repeated use of administrative discretion and indirect fiscal tools that place predictable burdens on ordinary citizens.

7. Policy Remedies

Policy remedies directly follow from the identified mechanisms: (1) establish transparent and reviewable stop-question-frisk standards, including data transparency and remedies for agencies that do not comply; (2) restore or replace preclearance oversight with neutral, auditable criteria for election-administration changes, such as impact thresholds, travel-time deltas, and ID-acquisition costs; (3) publish distributional impact assessments for tariffs and other indirect taxes before enactment, with automatic sunset and review; (4) expand independent fiscal and civil liberties scoring of major bills; (5) centralize public access to administrative datasets to enable external research audits. Let us discuss foreign policy. The U.S. often justifies war on moral grounds—Vietnam, Korea, Iraq, Afghanistan. However, look closer: - The CIA funded guerrilla groups in Asia. - Nixon shook hands with Mao in 1972 and began outsourcing U.S. industry to China (Perkins, 2004). - The same China once seen as a communist threat became its economic partner. - And while claiming moral superiority, the CIA was experimenting with LSD in the MKUltra program—manipulating citizens through chemical warfare (Kinzer, 2019). Every war—Vietnam, Gulf War, Iraq, War on Terror—followed the same pattern: Sell ‘freedom’ to the public. Tighten control behind closed doors. Export jobs. Import surveillance. Exploit minorities. Then start the next conflict. Now they threaten, 'We are going to invade Canada,' or Greenland, or Venezuela, as if foreign conquest could fix internal problems. Meanwhile, they claim to cut income taxes while imposing tariffs, which leads to rising costs and inflation for workers. Tariffs are essentially invisible taxes imposed directly on the people (Brookings, 2018). So, what do we call this system? A duopoly? A deception? A democracy? No. It is a rotating empire with two masks—a blue one and a red one. But underneath? It is the same machinery. If you think the Democrats will save you, you have forgotten history. If you believe Republicans protect freedom, you have forgotten policy. The truth is: both sides lied. And both sides ruled while we suffered. This isn’t about which side wins. It’s about how long we’re going to let this game keep fooling us.

8. Conclusion

Alternation in party control without alteration in core administrative and fiscal mechanisms yields a politics that changes labels more readily than outcomes. A democratic program oriented to civil liberty and broad-based prosperity requires tightening discretionary rules, raising the evidentiary bar for policies with regressive incidence, and restoring transparency that allows citizens to evaluate who pays, who benefits, and why.

Disclosure: None. Rights: © 2025 The author. Working paper for scholarly/educational use.

Appendix: Extended Discussion (Systemic Lens)

For more than a century, administrations have rotated while core machinery has endured: high-discretion policing, administratively costly voting, and indirect taxation through instruments such as tariffs. Courts normalized stop-and-frisk under the "reasonable suspicion" standard; administrators reweighted the cost of participation through ID rules, list maintenance practices, and precinct changes; and fiscal authorities levied de facto consumption taxes via tariffs whose burden falls where consumption shares are highest. The labels changed. The mechanisms persisted.

Notes on Scope and Clarifications:
• NVRA and proof of citizenship: The National Voter Registration Act of 1993 created a federal form that relies on attestation under penalty of perjury; subsequent state efforts to require documentary proof for federal elections were limited by the Supreme Court in 2013. This paper focuses on administrative burdens rather than disputes over individual fraud rates.
• Claims about Black "Confederate" military service: Archival counts document large-scale Black service in the Union forces; assertions of comparable Confederate numbers are contested and typically refer to coerced labor or non-combat roles. The argument here does not depend on such contested figures; instead, it centers on administrative and doctrinal mechanisms that have evolved.

Disclosure: None. Rights: © 2025 The author. Working paper for scholarly/educational use.

References

1. Alexander, M. (2010). The New Jim Crow: Mass Incarceration in the Age of Colorblindness. The New Press.
2. Berlin, I., Reidy, J. P., & Rowland, L. H. (1998). Freedom: A Documentary History of Emancipation. Cambridge University Press.
3. Brookings Institution. (2018). The Effects of Tariffs on the U.S. Economy. Brookings.edu.
4. Congressional Record. (2001). Certification of the Electoral College Vote, January 6, 2001.
5. Greenwald, G. (2014). No Place to Hide: Edward Snowden, the NSA, and the U.S. Surveillance State. Metropolitan Books.
6. Kinzer, S. (2019). Poisoner in Chief: Sidney Gottlieb and the CIA Search for Mind Control. Henry Holt & Company.
7. Loewen, J. W. (2005). Sundown Towns: A Hidden Dimension of American Racism. New Press.
8. Perkins, J. (2004). Confessions of an Economic Hitman. Berrett-Koehler Publishers.
9. Piven, F. F., Minnite, L. C., & Groarke, M. (2009). Keeping Down the Black Vote: Race and the Demobilization of American Voters. New Press.
10. Rothstein, R. (2017). The Color of Law: A Forgotten History of How Our Government Segregated America. Liveright.
11. Terry v. Ohio, 392 U.S. 1 (1968).
12. Pennsylvania v. Mimms, 434 U.S. 106 (1977).
13. Illinois v. Wardlow, 528 U.S. 119 (2000).
14. Shelby County v. Holder, 570 U.S. 529 (2013).
15. Arizona v. Inter Tribal Council of Ariz., Inc., 570 U.S. 1 (2013).
16. Amiti, M., Redding, S. J., & Weinstein, D. E. (2019). The impact of the 2018 tariffs on prices and welfare. NBER Working Paper 25672.
17. Fajgelbaum, P. D., Goldberg, P. K., Kennedy, P. J., & Khandelwal, A. K. (2020). The return to protectionism. Quarterly Journal of Economics, 135(1), 1–55.
18. Alexander, M. (2010). The New Jim Crow: Mass Incarceration in the Age of Colorblindness. The New Press.
19. Rothstein, R. (2017). The Color of Law: A Forgotten History of How Our Government Segregated America. Liveright.
20. Greenwald, G. (2014). No Place to Hide: Edward Snowden, the NSA, and the U.S. Surveillance State. Metropolitan Books.
21. Loewen, J. W. (2005). Sundown Towns: A Hidden Dimension of American Racism. The New Press.

Disclosure: None. Rights: © 2025 The author. Working paper for scholarly/educational use.